



PUBLIC NOTICE

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES
REGION 6 (NORTHERN CALIFORNIA) NPSPAC REGIONAL PLANNING COMMITTEE
NON-STREAMLINED AMENDMENT TO REFLECT 800 MHZ BAND RECONFIGURATION
IN THE 806-809/851-854 BAND**

WT Docket No. 02-55, Gen. Docket No. 90-287

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) approves the National Public Safety Planning Advisory Committee (NPSPAC) non-streamlined regional plan amendment (Non-Streamlined Amendment) reflecting the new 806-809/851-854 MHz band allotments submitted by the Region 6 regional planning committee (RPC).¹ For the reasons discussed below, we approve the Region 6 800 MHz Plan Non-Streamlined Amendment.

The *800 MHz Report and Order* and subsequent orders in WT Docket No. 02-55 provide for reconfiguration of the 800 MHz band in order to eliminate harmful interference to public safety operations within the band.² As part of band reconfiguration, in all non-border areas, the former NPSPAC band at 821-824/866-869 MHz has shifted fifteen megahertz lower in the band to 806-809/851-854 MHz, and NPSPAC incumbents are in the process of relocating from the old to the new band. As a consequence of 800 MHz band reconfiguration, all non-border 800 MHz RPCs³ are required to amend their regional plans currently on file with the Commission to reflect the fifteen-megahertz shift in the NPSPAC band from 821-824/866-869 MHz to 806-809/851-854 MHz.⁴

¹ See Letter from Art McDole, Chair, Region 6 (Northern California) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, Gen. Docket No. 90-287 (filed Apr. 15, 2009) (submitting Notification Letter); *see also*, Letter from Art McDole, Chair, Region 6 (Northern California) NPSPAC Regional Planning Committee, to Federal Communications Commission, Gen. Docket No. 90-287 (filed April 22, 2009) (submitting Non-Streamlined Plan Amendment).

² See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004).

³ RPCs for all NPSPAC regions in Waves 1, 2, and 3, other than Region 19 (New England), must file amendments. NPSPAC Region 19 and all NPSPAC regions in Wave 4 are excluded from this requirement, and RPCs for these regions are not required to submit amended plans at this time. We will provide information on the plan amendment process for these regions at a later date, after the 800 MHz Transition Administrator determines replacement channel assignments for NPSPAC licensees in the U.S. – Canada and U.S. – Mexico border areas.

⁴ Amendments limited to changing frequency, downward, by 15 MHz are filed using a “Streamlined Amendment” procedure in which applicants need not obtain concurrence of adjoining regions. A “Non-Streamlined Amendment,” is required otherwise, and applicants must obtain adjoining region concurrence and describe other proposed changes to the plan. See *Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Plans to Reflect 800 MHz reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band*, WT Docket No. 02-55, *Public Notice*, 24 FCC Rcd 1364 (PSHSB 2009).

The Commission's policies require the RPCs to prepare and submit regional plans for use of the NPSPAC band in their respective Public Safety Regions.⁵ The RPCs must also update their regional plans as needed to conform to changes in the nationwide NPSPAC band plan, and to reflect other changes in the disposition of NPSPAC channels within the region, technical requirements, or procedures for assigning channels.⁶

On April 15, 2009, the Region 6 (Northern California)⁷ 800 MHz NPSPAC Regional Planning Committee submitted a proposed Non-Streamlined Plan Amendment for review and approval.⁸ In addition to changes to the channel allocations,⁹ the Non-Streamlined Amendment included the following modifications:

- Re-packed the allotted and licensed channels, based on an engineering study using data from all existing licensees, to provide every licensee, at a minimum, with the same number of channels and equal coverage as currently licensed, resulting in sufficient channels to build a new trunked system for one county, provide additional channels to expand existing systems, and to improve interoperability throughout the Region and State of California.¹⁰
- Created a new regional procedure for use of the interoperability channels, with a coordinated process between the RPC and the California Emergency Management Agency (CalEMA).¹¹
- Modified Plan, Section 4.3 Interoperability Channels and Usage Covered by this Plan, by revising the channel names to reflect a new nomenclature.¹²

⁵ See 47 C.F.R. § 90.16 (no assignments will be made in spectrum designated for the Public Safety National Plan until a regional plan for the area has been accepted by the Commission); *see also* Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services, Gen. Docket No. 87-112, *Report and Order*, 3 FCC Rcd 905 (1987) (*National Plan Report and Order*).

⁶ See *National Plan Report and Order*, 3 FCC Rcd at 911 ¶57.

⁷ The Region 6 (Northern California) 800 MHz NPSPAC regional planning area includes forty-eight (48) counties in the state of California situated north of the northernmost borders of San Luis Obispo, Kern, and San Bernardino counties.

⁸ See Letter from Art McDole, Chair, Region 6 (Northern California) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, Gen. Docket No. 90-287 (filed Apr. 15, 2009) (submitting Notification Letter); *see also*, Letter from Art McDole, Chair, Region 6 (Northern California) NPSPAC Regional Planning Committee, to Federal Communications Commission, Gen. Docket No. 90-287 (filed April 22, 2009) (submitting Non-Streamlined Plan Amendment).

⁹ See Non-Streamlined Plan Amendment, Attachment B – Region 6 Table of Channels (listing all existing licensees and available channels).

¹⁰ See Letter from Art McDole, Chair, Region 6 (Northern California) NPSPAC Regional Planning Committee, to Federal Communications Commission, Gen. Docket No. 90-287 at 1-2 (summarizing modifications to the Region 6 Plan) (filed April 22, 2009).

¹¹ See Non-Streamlined Plan Amendment, Section 4.1.1 Licensing Procedures at 11-12.

¹² See Non-Streamlined Plan Amendment, Section 4.3 – Interoperability Channels and Usage Covered by This Plan at 13 (all channels are used primarily for coordination of activities between agencies in mutual aid, or emergencies requiring interoperability); *see also*, Non-Streamlined Plan Amendment, Section 4.3.2 – Implementation Plan at 14

- Provided a current list of members actively involved in the development and acceptance of the full modification of the Region 6 Plan.¹³

The Amendment was coordinated with all three regions adjacent to Region 6: Region 5 (Southern California), Region 27 (Nevada), and Region 35 (Oregon).¹⁴

On August 17, 2009, the Bureau released a *Public Notice* seeking comment on the amended Region 6 Plan.¹⁵ We received no comments. We have reviewed the Region 6, Non-Streamlined Plan Amendment and conclude, based on the information before us, that it complies with FCC rules and policies.

Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 6 800 MHz NPSPAC Non-Streamlined Plan Amendment is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Deputy Chief, Public Safety and Homeland Security Bureau.

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(requiring eligible users in each county to develop an implementation plan for their area; all requests for licensing on any mutual aid channel must comport with an existing county/area implementation plan).

¹³ See Non-Streamlined Plan Amendment, Attachment A – Membership of the Review and Revision Committee.

¹⁴ See Non-Streamlined Plan Amendment, Attachment C – Support Letters from Adjacent Regions (providing letters of concurrence from adjacent regions).

¹⁵ See Public Safety and Homeland Security Bureau Seeks Comments on Region 6 (Northern California) Non-Streamlined Amendment to Reflect 800 MHz Band Reconfiguration in the 806-809/851-854 MHz Band, WT Docket No. 02-55, Gen. Docket No. 90-287, *Public Notice*, 24 FCC Rcd 10842 (PSHSB 2009). Comments were due Sept. 8, 2009 and reply comments were due Sept. 18, 2009.